

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA
ACTING UNITED STATES TRUSTEE, REGION 3
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	:	Case No. 16-20278 (CMG)
	:	
	:	
Yvette and Mikhail Davidov,	:	Chapter 11
	:	
	:	Honorable Christine M. Gravelle
Debtors.	:	
	:	Hearing Date: December 5, 2017 at 2:00 p.m.

**OBJECTION OF THE ACTING UNITED STATES TRUSTEE TO MOTION
FOR FINAL DECREE**

The Acting United States Trustee, by and through counsel, in furtherance of his duties and responsibilities under 28 U.S.C. § 586(a)(3) and (5), submits this Objection to the Debtors' Motion for a Final Decree (the "Objection"). In support of the Objection, the Acting United States Trustee represents as follows:

1. On May 26, 2016, the above-captioned Debtors filed a voluntary petition for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code"). *See* Docket Entry 1.
2. On October 19, 2017, the Court entered an Amended Order Confirming the Debtors' chapter 11 plan of reorganization. *See* Docket Entry 86.
3. On November 6, 2017, the Debtors filed a motion for a final decree seeking to

close their case. *See* Docket Entry 91.

4. In order for a case to close, the Court must determine that the estate has been fully administered:

After an estate is fully administered and the court has discharged the trustee, the court shall close the case.

11 U.S.C. § 350(a).

5. If the Court determines that the estate is fully administered, the Court is required to enter a final decree closing the case:

After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.

Fed. R. Bankr. P. 3022.

6. The Debtor is obligated to file post-confirmation quarterly reports and to pay quarterly fees under 28 U.S.C. § 1930(a)(6):

... a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until the case is converted or dismissed, whichever occurs first...

28 U.S.C. § 1930(a)(6).

7. This case can only be fully administered pursuant to 11 U.S.C. § 350 if all reports are filed and all quarterly fees are paid up to the date the Court closes this case.

8. Further, D.N.J. LBR 3021-1(d) requires distribution reports to be filed.

9. To date, the Debtors have failed to file any post-confirmation quarterly reports. However, the Debtors have filed a post confirmation monthly report for the month of October.

10. The docket does not reflect the filing of any distribution reports.

For the foregoing reasons, the Acting United States Trustee respectfully requests that the above-captioned case not be closed until the Debtors file any and all outstanding reports and pays any resulting quarterly fees.

ANDREW R. VARA
ACTING UNITED STATES TRUSTEE
REGION 3

By: /s/ Benjamin Teich
Benjamin Teich
Trial Attorney

Dated: November 29, 2017